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RICHARD W. WIEKING  
 CLERK  
 U.S. DISTRICT COURT  
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UNITED STATES DISTRICT COURT  
 NORTHER DISTRICT OF CALIFORNIA

|                                 |                                  |
|---------------------------------|----------------------------------|
| Yosemite Management Group, LLC, | Case Number                      |
| Plaintiff,                      | Notice of Removal                |
| v.                              | Santa Cruz County Superior Court |
| Flora Ng, et al.                | Number CV 159839                 |
| Defendants.                     |                                  |

NOTICE OF REMOVAL OF STATE COURT ACTION

[Removed from Santa Cruz Superior Court, California, Action No. CV 159839]

To: Judges of the United States District Court for the Northern District of California  
 All Defendants in the above referenced Santa Cruz County Action  
 The Clerk of the State Court, The Clerk of the United States District Court

1. On March 26, 2008, Santa Cruz Superior Court Action Number CV 159839 was commenced by plaintiff Yosemite Management Group, LLC, against Flora Ng, et al.
2. On March 27, 2008, Flora Ng filed an answer.
3. Attached to this notice and incorporated herein is the removal notice filed with the United States Bankruptcy Court for the Northern District of California.

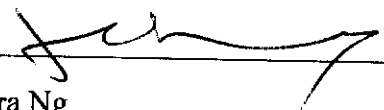
Wherefore, defendant prays that the above action now pending in the California Superior Court for the County of Santa Cruz be removed therefrom to this court.

Dated: April 11, 2008



Neil Ison, Attorney for Applicant  
 21285 Saratoga Hills Road  
 Saratoga, CA 95070  
 408-828-2490

1 I, Flora Ng, declare under penalty of perjury that the foregoing is true and correct  
2 according to the best of my knowledge, information, and belief, and that this declaration  
3 was executed on April 11, 2008, at Saratoga, CA.  
4

5   
6 Flora Ng

Neil Ison, State Bar Number 112881  
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 Saratoga, CA 95070  
 T: 408-828-2490  
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quantumdeco@yahoo.com

Attorney for Flora Ng

**UNITED STATES BANKRUPTCY COURT**  
**NORTHER DISTRICT OF CALIFORNIA**

|                                 |                                   |
|---------------------------------|-----------------------------------|
| In re Armando Saldana,          | Case Number 08-50672              |
| Debtor,                         | Chapter 13                        |
| Yosemite Management Group, LLC, | A/P No. _____                     |
| Plaintiff,                      | Judge Honorable Roger L. Efremsky |
| v.                              | Notice of Removal                 |
| Flora Ng, et al.                | Santa Cruz County Superior Court  |
| Defendants.                     | Number CV 159839                  |

**NOTICE OF REMOVAL OF STATE COURT ACTION**

[Removed from Santa Cruz Superior Court, California, Action No. CV 159839]

To: Honorable Roger L. Efremsky, United States Bankruptcy Court Judge  
 All Defendants in the above referenced Santa Cruz County Action  
 The Clerk of the State Court  
 The Clerk of the United States District Court  
 The Clerk of the Bankruptcy Court

Pursuant to Title 28, United States Code, Section 1452(a), and Federal Rules of Bankruptcy Procedure, Rule 9027, moving party in this matter and defendant in the underlying action Flora Ng makes application for removal of the entire action brought by plaintiff Yosemite Management Group, LLC, in Civil Action entitled Yosemite Management Group, LLC, v. Flora Ng, Action Number CV 159839, now pending in the Superior Court for the State of California and for the County of Santa Cruz (Civil Action). This removal is based upon the following facts:

1 1. Moving party Flora Ng is a defendant in the Civil Action.

2 2. The United States District Court in this district has jurisdiction over the Civil  
3 Action under Title 28, United States Code, Sections 157(a) and 1334(b). Jurisdiction  
4 exists under Title 28, United States Code, Section 1334(b) because the Civil Action is  
5 related to a bankruptcy case pending in this district as In re Armando Saldana, Case  
6 Number 08-50672.

7 3. The Civil Action is related to the bankruptcy case because of the following:

8 A. A property known as 1285 Hecker Pass Road, Watsonville, CA, was  
9 foreclosed upon by defendants in the Related Civil Action of Flora Ng v. Sterling Pacific  
10 Lending, Inc., Santa Cruz County Superior Court Action Number 159630 (Related Civil  
11 Action).

12 B. The property was purchased at the foreclosure sale by Yosemite  
13 Management Group, LLC, plaintiff in the Civil Action and defendant in the Related Civil  
14 Action.

15 C. All defendants in the Related Civil Action, including Yosemite  
16 Management Group, LLC, were provided notice of the bankruptcy filing, orally and in  
17 writing via facsimile, before the foreclosure sale.

18 D. All defendants in the Related Civil Action proceeded with the foreclosure  
19 sale in willful violation of the automatic stay.

20 E. Following the foreclosure sale, all defendants in the Related Civil Action  
21 refused to set aside the foreclosure sale, in further willful violation of the automatic stay.

22 F. Following the foreclosure sale, Yosemite Management Group, LLC,  
23 defendant in the Related Civil Action and plaintiff in the Civil Action has taken further  
24 actions to seize the property through the filing of an Unlawful Detainer, the Civil Action,  
25 which interferes with debtor Armando Saldana's interest in the property.

26 G. Debtor Armando Saldana has and had an interest in the property, which  
27 makes it property of the estate, and that interest in the property is necessary to the  
28 successful completion of debtor Armando Saldana's Chapter 13 Plan.

1 H. Armando Saldana and moving party Flora Ng have and had interests in the  
2 property and those interests are and were abrogated by the violation of the automatic stay.

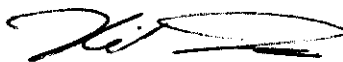
3 I. Unless this court sets aside the foreclosure sale and stays the Unlawful  
4 Detainer, debtor Armando Saldana will lose his interest in the property, prejudicing  
5 Armando Saldana and the other creditors of the estate.

6 J. Unless this court renders a decision regarding the willful violation of the  
7 automatic stay by Yosemite Management Group, LLC, there is a possibility that state  
8 court and federal court decisions will be inconsistent, although the decision will be based  
9 upon the same operative facts and law.

10 4. On removal of the Civil Action, and on information and belief, the proceeding  
11 will be a core proceeding within the meaning of Title 28, United States Code, Sections  
12 157 (b)(1) and (b)(2), or a non-core proceeding if not a core proceeding within the  
13 meaning of Title 28, United States Code, Section 157(b)(1), and notwithstanding that the  
14 proceeding may constitute a non-core proceeding on removal, moving party Flora Ng  
15 consents to entry of all final orders or judgments by the Bankruptcy Court as permitted  
16 by Title 28, United States Code, Section 157(c)(2).

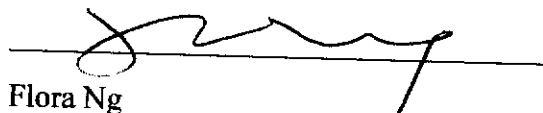
17 5. True and correct copies of all process and pleadings filed and served in the Civil  
18 Action are attached to this notice.

19 Dated: April 11, 2008



Neil Ison, Attorney for Applicant  
21285 Saratoga Hills Road  
Saratoga, CA 95070  
408-828-2490

23 I, Flora Ng, declare under penalty of perjury that the foregoing is true and correct  
24 according to the best of my knowledge, information, and belief, and that this declaration  
25 was executed on April 11, 2008, at Saratoga, CA.

26   
27 Flora Ng  
28

JS 44 (Rev. 12/07) (and rev 1-08)

**CIVIL COVER SHEET**

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON PAGE TWO OF THE FORM.)

**I. (a) PLAINTIFFS**

Yosemite Management Group, LLC

**DEFENDANTS**

Flora Ng, Neil Iron, et al.

(b) County of Residence of First Listed Plaintiff  
(EXCEPT IN U.S. PLAINTIFF CASES)

SANTA CRUZ

County of Residence of First Listed Defendant

(EXCEPT IN U.S. PLAINTIFF CASES ONLY)  
OTHER INLAND CONDEMNATION CASES, SEPARATE LOCATION OF THE  
LAND INVOLVED

(c) Attorney's (Firm Name, Address and Telephone Number)

POWELL & POWELL  
ATTN: JESSICA GIANNETTA  
7522 N. COLONIAL AVE. #100  
FREMONT, CA 93711

Attorneys (If Known)

NEIL IRON  
21285 SARATOGA HILL RD.  
SARATOGA, CA 95070**II. BASIS OF JURISDICTION** (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff  
☐ 2 U.S. Government Defendant  
☒ 3 Federal Question (U.S. Government Not a Party)  
☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

**III. CITIZENSHIP OF PRINCIPAL PARTIES** (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- (For Diversity Cases Only)
- Citizen of This State ☐ 1 ☒ 1 PTF DEF  
Incorporated or Principal Place of Business in This State ☒ 4 ☐ 4  
Citizen of Another State ☐ 2 ☐ 2  
Incorporated and Principal Place of Business in Another State ☐ 5 ☐ 5  
Citizen or Subject of a Foreign Country ☐ 3 ☐ 3  
Foreign Nation ☐ 6 ☐ 6

**IV. NATURE OF SUIT** (Place an "X" in One Box Only)

| CONTRACT  | TORTS  | FORFEITURE/PENALTY   | BANKRUPTCY   | OTHER STATUTES   |
|---|--|--|--|--|
| <input type="checkbox"/> 110 Insurance  | <input type="checkbox"/> 310 Airplane                        | <input type="checkbox"/> 610 Agriculture                                 | <input type="checkbox"/> 422 Appeal 28 USC 158     | <input type="checkbox"/> 400 State Reapportionment                                     |
| <input type="checkbox"/> 120 Marine   | <input type="checkbox"/> 315 Airplane Product Liability      | <input type="checkbox"/> 620 Other Food & Drug                           | <input type="checkbox"/> 423 Withdrawal 28 USC 157 | <input type="checkbox"/> 410 Antitrust   |
| <input type="checkbox"/> 130 Miller Act   | <input type="checkbox"/> 320 Assault, Libel & Slander        | <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 |  | <input type="checkbox"/> 430 Banks and Banking   |
| <input type="checkbox"/> 140 Negotiable Instrument                                | <input type="checkbox"/> 330 Federal Employers' Liability    | <input type="checkbox"/> 630 Liquor Laws                                 |  | <input type="checkbox"/> 450 Commerce  |
| <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment    | <input type="checkbox"/> 340 Marine                          | <input type="checkbox"/> 640 R.R. & Truck                                |  | <input type="checkbox"/> 460 Deportation   |
| <input type="checkbox"/> 151 Medicare Act   | <input type="checkbox"/> 345 Marine Product Liability        | <input type="checkbox"/> 650 Airline Regs.                               |  | <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations            |
| <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) | <input type="checkbox"/> 350 Motor Vehicle                   | <input type="checkbox"/> 660 Occupational Safety/Health                  |  | <input type="checkbox"/> 480 Consumer Credit   |
| <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits        | <input type="checkbox"/> 355 Motor Vehicle Product Liability | <input type="checkbox"/> 690 Other                                       |  | <input type="checkbox"/> 490 Cable/Sat TV  |
| <input type="checkbox"/> 160 Stockholders' Suits                                  | <input type="checkbox"/> 360 Other Personal Injury           |  |  | <input type="checkbox"/> 810 Selective Service   |
| <input type="checkbox"/> 190 Other Contract                                       |  |  |  | <input type="checkbox"/> 850 Securities/Commodities/Exchange                           |
| <input type="checkbox"/> 195 Contract Product Liability                           |  |  |  | <input type="checkbox"/> 875 Customer Challenge 12 USC 3410                            |
| <input type="checkbox"/> 196 Franchise  |  |  |  | <input type="checkbox"/> 890 Other Statutory Actions                                   |
|   |  |  |  | <input type="checkbox"/> 891 Agricultural Acts   |
|   |  |  |  | <input type="checkbox"/> 892 Economic Stabilization Act                                |
|   |  |  |  | <input type="checkbox"/> 893 Environmental Matters                                     |
|   |  |  |  | <input type="checkbox"/> 894 Energy Allocation Act                                     |
|   |  |  |  | <input type="checkbox"/> 895 Freedom of Information Act                                |
|   |  |  |  | <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice |
|   |  |  |  | <input type="checkbox"/> 950 Constitutionality of State Statutes                       |

**V. ORIGIN** (Place an "X" in One Box Only)

- ☐ 1 Original Proceeding  
☒ 2 Removed from State Court  
☐ 3 Remanded from Appellate Court  
☐ 4 Reinstated or Reopened  
☐ 5 Transferred from another district (specify)  
☐ 6 Multidistrict Litigation  
☐ 7 Appeal to District Judge from Magistrate Judgment

**VI. CAUSE OF ACTION**Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):  
11 USC 362

Brief description of cause:

UNLAWFUL FORECLOSURE IN VIOLATION OF AUTOMATIC STAY CAUSING UNLAWFUL DETAINER ACTION

**VII. REQUESTED IN COMPLAINT:**☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$

POSSESSION

CHECK YES only if demanded in complaint:  
JURY DEMAND: ☐ Yes ☒ No**VIII. RELATED CASE(S) IF ANY**

PLEASE REFER TO CIVIL L.R. 3-12 CONCERNING REQUIREMENT TO FILE "NOTICE OF RELATED CASE".

C 08-01782 JW

**IX. DIVISIONAL ASSIGNMENT (CIVIL L.R. 3-2) (PLACE AND "X" IN ONE BOX ONLY)**DATE 4-18-08  
SIGNATURE OF ATTORNEY OF RECORD  
☐ SAN FRANCISCO/OAKLAND  
☒ SAN JOSE



JS 44 Reverse (Rev. 12/07)

# INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

## Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

**I. (a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.

(b) County of Residence. For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)

(c) Attorneys. Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".

**II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.C.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.

United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.

United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.

Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.

Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; federal question actions take precedence over diversity cases.)

**III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.

**IV. Nature of Suit.** Place an "X" in the appropriate box. If the nature of suit cannot be determined, be sure the cause of action, in Section VI below, is sufficient to enable the deputy clerk or the statistical clerks in the Administrative Office to determine the nature of suit. If the cause fits more than one nature of suit, select the most definitive.

**V. Origin.** Place an "X" in one of the seven boxes.

Original Proceedings. (1) Cases which originate in the United States district courts.

Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441. When the petition for removal is granted, check this box.

Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.

Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.

Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.

Multidistrict Litigation. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407. When this box is checked, do not check (5) above.

Appeal to District Judge from Magistrate Judgment. (7) Check this box for an appeal from a magistrate judge's decision.

**VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553  
Brief Description: Unauthorized reception of cable service

**VII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.

Demand. In this space enter the dollar amount (in thousands of dollars) being demanded or indicate other demand such as a preliminary injunction.

Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.

**VIII. Related Cases.** This section of the JS 44 is used to reference related pending cases if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

**Date and Attorney Signature.** Date and sign the civil cover sheet.